

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LOUISE MOORE,

Plaintiff,

VS.

WALTER COKE, INC.,

Defendant.

CASE NO. 2:11-CV-1391-SLB

ORDER

This case is presently pending before the court on plaintiff's Motion to Reinstate Case for Purpose of Filing Notice of Claim. (Doc. 41.) Plaintiff's Motion is **DENIED**.

On the parties' Joint Motion to Stay, (doc. 37), this case was dismissed without prejudice to the parties' right to have this action reinstated pending completion by the EPA of certain actions regarding the real property at issue in this case, (doc. 40). On July 15, 2015, after dismissal of this action, defendant Walter Coke, Inc., filed for bankruptcy. (*See* doc. 42-1.) Thereafter, plaintiff Louise Moore filed the instant motion, which asks the court to reinstate this case to allow her to file a Notice of Claim in the bankruptcy court. (Doc. 41 at 2-3.) The court notes that Moore's right to file a Notice of Claim in Walter Coke's bankruptcy proceeding does not require the restoration or reopening of the instant action.

Walter Coke’s bankruptcy petition operates as a stay of the “commencement or continuation . . . of [Moore’s] judicial . . . action . . . against the debtor[, Walter Coke,] that

was . . . commenced before the [filing of the bankruptcy petition] or to recover a claim against the debtor that arose before the [filing of the bankruptcy petition].” 11 U.S.C. § 362(a)(1). The reopening this action is barred by the automatic stay provision. Therefore, Moore’s Motion to Reinstate Case for Purpose of Filing Notice of Claim, (doc. 41), is **DENIED**.

Nevertheless, the court hereby **ORDERS** that the denial of the instant Motion to Reinstate Case is without prejudice to Moore’s right to seek reinstatement of this action to pursue any claim against Walter Coke that is not adjudicated in, or discharged by, the proceedings in the bankruptcy court. Such reinstatement, when allowed, will cause the filing date of any claim so reinstated to relate back to the original filing date of this action.

DONE this 28th day of June, 2016.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn", is written over a horizontal line.

SHARON LOVELACE BLACKBURN
SENIOR UNITED STATES DISTRICT JUDGE